

## **PART 49—PAYMENT OF AMOUNTS DUE MENTALLY INCOMPETENT COAST GUARD PERSONNEL**

### **Subpart 49.01—General Provisions**

Sec.

49.01-1 Applicability.

49.01-5 Requests for appointment of trustee.

49.01-10 Determination of incompetency.

### **Subpart 49.05—Trustee**

49.05-1 Appointment of trustee.

49.05-5 Bonding of trustee.

49.05-10 Affidavits required.

### **Subpart 49.10—Reports and Moneys**

49.10-1 Reports required.

49.10-5 Payment of moneys due.

49.10-10 Cessation of payments.

49.10-15 Final accounting by trustee.

### **Subpart 49.15—Additional instructions**

49.15-1 Implementing instructions.

AUTHORITY: Secs. 1, 2, 3, 4, 64 Stat. 249, 250; 37 U.S.C. 351, 352, 353, 354.

SOURCE: CGFR 51-48, 16 FR 10636, Oct. 18, 1951, unless otherwise noted.

### **Subpart 49.01—General Provisions**

#### **§ 49.01-1 Applicability.**

The Commandant of the Coast Guard is hereby designated and is authorized to appoint, in his discretion, the person or persons who may receive active-duty pay and allowances, amounts due for accumulated or accrued leave, or any retired or retainer pay, otherwise payable to personnel on the active or retired list of the Coast Guard and Coast Guard Reserve, entitled to Federal pay either on the active or any retired list of said service, who, in the opinion of competent medical authority, have been determined to be mentally incapable of managing their own affairs, and for whom no legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction.

#### **§ 49.01-5 Requests for appointment of trustee.**

Requests for the appointment of a person or persons to receive moneys due personnel believed to be mentally incapable of managing their own af-

fairs shall be submitted to the Commandant of the Coast Guard:

(a) By any person or persons who believe, because of relationship, they should be appointed to receive payments on behalf of the alleged incompetent;

(b) By the Commanding Officer of the alleged incompetent if the latter is on active duty;

(c) By the Commanding Officer of any Armed Forces hospital in which the mentally incompetent is undergoing treatment;

(d) By the head of any veterans' hospital, or other public or private institution in which the alleged incompetent is undergoing treatment;

(e) By any other person or organization acting for and in the best interests of the alleged mentally incompetent.

#### **§ 49.01-10 Determination of incompetency.**

After examining the legitimacy, substance, and sufficiency of the application, the Commandant shall either (a) direct the Commanding Officer of the alleged mentally incompetent, (b) the Commanding Officer of the Coast Guard unit to which such incompetent may be conveniently referred, or (c) request the Surgeon General of the Public Health Service to convene or appoint, at the Public Health Hospital or facility, where the alleged incompetent is receiving treatment or to which his case may be conveniently referred, a board of not less than three qualified medical officers, one of whom shall be specially qualified in the treatment of mental disorders, to determine whether the alleged incompetent is capable of managing his own affairs. The record of proceedings, and the findings of the board shall, after action by the Convening or Appointive Authority thereon, be forwarded to the Commandant.

### **Subpart 49.05—Trustee**

#### **§ 49.05-1 Appointment of trustee.**

Upon receipt of a finding by a board convened or appointed in accordance with § 49.01-10, that the alleged incompetent is mentally incapable of managing his own affairs, the Commandant may appoint a suitable person or persons, not under legal disability so to